

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

XR COMMUNICATIONS, LLC, dba
VIVATO TECHNOLOGIES,

Plaintiff,

v.

AT&T SERVICES INC.; AT&T MOBILITY
LLC; and AT&T CORP.,

Defendants.

Case No. 2:23-cv-00202-JRG-RSP
(Lead Case)

JURY TRIAL DEMANDED

**JOINT MOTION FOR LEAVE (1) TO SERVE SUPPLEMENTAL EXPERT DAMAGES
REPORTS AND (2) FOR DEFENDANTS/INTERVENOR TO SERVE A 1-PAGE
SUPPLEMENT TO THEIR MOTION TO STRIKE CERTAIN
EXPERT OPINIONS OF MR. STEPHEN DELL (Dkt. No. 157)**

Plaintiff XR Communications, LLC and Defendants AT&T Corp., AT&T Mobility LLC and AT&T Services, Inc., Verizon Communications, Inc. and Cellco Partnership d/b/a Verizon Wireless, and T-Mobile USA, Inc., and Intervenor Ericsson Inc.¹ (collectively, “Defendants/Intervenor”) respectfully move for leave to allow (1) the Parties to exchange supplemental expert damages reports, and (2) Defendants/Intervenor to file a one-page supplement to their Motion to Strike Certain Expert Opinions of Mr. Stephen Dell (“Motion”) filed with the Court on June 4, 2025. Dkt. No. 157.

After Defendants/Intervenor filed the Motion, Plaintiff served six-page Supplemental Reports of Stephen Dell, based on recent deposition testimony of one of XR’s other experts, Dr. Bazelon. The Parties agree that Defendants/Intervenors’ rebuttal expert, Mr. Christopher

¹ The Motion to Strike Certain Expert Opinions of Mr. Dell (Dkt. No. 157) inadvertently identified Intervenor Nokia of America Corporation (“Nokia”) as a movant. Nokia is not a signatory to that motion.

Bakewell, may serve a supplemental rebuttal totaling seven pages or less addressing Mr. Dell's Supplemental Report by Friday, June 13.

Because Defendants/Intervenor believe that Mr. Dell's Supplemental Reports implicate issues raised in the Motion, the Parties further move for leave for Defendants/Intervenor to file a 1-page supplement to the Motion (the "Motion Supplement"). A copy of the Motion Supplement is attached hereto as Exhibit A. Plaintiff agrees that its Opposition to the Motion will be filed on the original deadline and will not exceed the 15-page limit.

WHEREFORE, the Parties respectfully request leave to allow (1) the Parties to serve supplemental damages reports as set forth above, and (2) Defendants/Intervenor to file a one-page supplement to their Motion to Strike Certain Expert Opinions of Mr. Stephen Dell filed with the Court on June 4, 2025, a copy of which is attached hereto as Exhibit A.

Dated: June 11, 2025

/s/ Jacob R. Buczko

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Respectfully submitted,

/s/ John R. Gibson

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Counsel for Defendants / Intervenors

CERTIFICATE OF CONFERENCE

The undersigned certifies that counsel for the parties met and conferred to discuss the substantive relief sought in this motion pursuant to Local Rule CV-7(h). The parties are in agreement and are jointly seeking the relief sought in this motion.

/s/ John R. Gibson

John R. Gibson

CERTIFICATE OF SERVICE

The undersigned hereby certifies that counsel of record who are deemed to have consented to electronic services are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on June 11, 2025.

/s/ John R. Gibson

John R. Gibson